



## CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

### FACT SHEET

#### Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands

##### What is a Discharger?

**Who must apply for coverage under a Waiver or a Permit (Waste Discharge Requirements)?** The California Water Code requires that **“any person discharging waste”** must obtain coverage under a waiver or a permit if the discharge **“could affect the quality of waters of the state.”** If you own or operate irrigated lands and water drains from your property, you are a discharger and must be covered by the waiver or by waste discharge requirements. Any water leaving your property likely contains waste (sediment, minerals, nutrients or other dissolved matter). This water may be released as irrigation return flows, drain water, tail water or storm water. Water that leaves your property may eventually enter surface water, including canals, creeks, and rivers, and may affect the quality of that water. The California Water Code applies to all discharges of waste that **could affect** water quality.

**What is a “Discharge”?** A Discharge occurs whenever water that contains waste leaves your property, if it could ultimately enter surface waters. A Discharge occurs whether the wastewater directly enters surface waters from your property, flows over other lands first, or enters a drain. There is no minimum amount or frequency of discharge—if any waste is in water that leaves the property and can enter and affect water quality, coverage under the waiver or a permit is required.

**Who is a Discharger?** A Discharger is any person who releases waste that could affect the quality of the waters of the state. “Persons” may include individuals, corporations, cities, and special districts. A Discharger can be the owner of property or a tenant farmer.

**What is “Waste”?** Waste is defined in the California Water Code to include any and all waste substances. Waste includes, but is not limited to, soil, salts, trace elements (e.g., selenium), pesticides, and fertilizers.

**What are “Waters of the State”?** Waters of the state include any surface or groundwater within the boundaries of the state. Waters of the state include, for example, natural streams, irrigation ditches or canals, and ponds. Waters in privately operated channels are waters of the state. The Waiver applies to discharges to surface waters, but not to groundwater.

**Is Tailwater Runoff a Discharge?** Tailwater runoff is a discharge subject to the Waiver. As with storm water runoff, tailwater runoff may contain pesticides, nutrients, salts, selenium, or soil. If you recycle all tailwater or use a high efficiency irrigation system, you may prevent tailwater runoff (discharges of waste) to surface waters and if you do not have any stormwater runoff, you do not need coverage under the Waiver. However, if you discharge any waste, including storm water runoff, you are a discharger and must be covered by the Waiver or a Permit.

**Is Storm Water Runoff a Discharge?** Storm water runoff is a discharge subject to the waiver. Even if water is released from the farm only during storm events, coverage under the waiver or a permit is required. Storm water runoff likely contains waste that could affect water quality, including pesticides, sediment, and nutrients. There is no minimum frequency of storm water discharges below which coverage is not required. Even if discharges occur only once every 10 or 25 years, coverage under the Waiver is required.